

Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay.

The specification has been amended to eliminate some minor obvious errors. No new matter whatsoever has been added. Reference to any "partitions" has been deleted.

The claims have also been amended to eliminate any reference to "partitions." This eliminates the Rule 83 objection to the drawing and the §112 new-matter rejection of the claims.

The claims stand rejected on the combination of US 6,105,486 of Belknap (or US 5,126,534 of Kwong) and US 6,543,337 of Brown (or 6,418,835 of Lin), a surprisingly large number of references for a 16-line 4-element claim.

Belknap shows (see FIG. 4) a toaster with convective flow around a central cooking chamber 50. There is no fan and flow is upward, opposite to that of the instant invention. Thus the area of the housing around the top load slot can be counted on to get dangerously hot during use.

In Kwong there is no fan, and the system is set up to draw air in and expel it outward through the top load slot. There is no lower discharge opening. The flow in Kwong is also

convective, so that at best there will be a modest heat exchange, only possible because much of the flow is through the cooking chamber 20 (see openings 36).

Thus both of these references basically teach convective flow using no fan, much less one below the cooking chamber, and neither suggests the provision of lower discharge openings.

In Brown there is an "air sampler tube" 6 provided above the load slot that is coupled to a fan 10 so that air can be drawn in and particles in it can be detected to shut off the heating when particles, indicating burnt toast, are detected. This is in no way a cooling or ventilating system and only a tortured reading of claim 30 or 40 misconstruing what is claimed can be made on this structure. There is nothing resembling passages between inner and outer walls of the toaster and no "cooling" effect. This reference shows nothing more than top-to-bottom air flow in a conduit of structure attached to a toaster to monitor the outflowing air quality. To say Brown teaches a "cooling means" is absurd; the tube 6 and fan 10 have no cooling function, either intentional or unintentional. The combination of the teachings of this reference with those of Belknap or Kwong would do nothing more than provide an add-on tubing structure for sampling the quality of the air exiting from the load opening, no more. A §103 rejection on the combination of Belknap/Kwong and Brown is out of the question.

Lin relates to a chicken broiler having an inside circulating fan 227 and an outside fan 228, both level with the

cooking chamber, not below it as defined in the claim 30. The latter fan is possibly aligned with a discharge opening, although it is not identified and only hinted at in FIG. 6. The inside fan 227 merely circulates air inside the cooking chamber. Thus the examiner is presuming that the Lin system has an upper load opening through which the fan 228 pulls air, but this supposition is not supported by anything in the Lin patent; presumably the suggestion comes from the instant patent application. Lin is largely nonanalogous art, as it lacks the upper load opening, and therefore adds nothing to the teachings of Brown to form with Belknap/Kwong a valid §103 rejection.


The rejection in the instant application involves a complex interpretation of the art. Nothing whatsoever in the art suggests the simple structure of a toaster provided with a fan located below the cooking chamber and that serves to draw air in through an upper load opening, pass it around a cooking chamber so as to cool outside walls of the toaster, and expel it through a lower discharge opening. Instead systems are shown that convectively draw air in the bottom and let it flow out the top (Belknap), that pull it by convection in the top and expel it back out the top (Kwong), that sample air near the top by means of a conduit and a fan without any cooling effect whatsoever (Brown), and that somehow circulate air around a chamber having no load opening (Lin). The simple structure of main claim 30 is, in fact, not shown or suggested in any of these four references, and only a

tortured interpretation of what they show, a hindsight interpretation of their structure, or ignoring what they actually do show can support a rejection. As such the rejections must fall.

For these reasons all the claims in the case are clearly in condition for allowance. Notice to that effect is earnestly solicited.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this case, the examiner is invited to call the undersigned to make the necessary corrections.

Respectfully submitted,
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Enclosure: None.